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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	<input checked="" type="checkbox"/> PROVISIONAL ORDER
	:	OF DISCIPLINE
MARIA H. MEDINA, LPN	:	
License # 26NP05178900	:	<input checked="" type="checkbox"/> FINAL ORDER
	:	OF DISCIPLINE
	:	(Finalized by default
TO PRACTICE NURSING IN THE	:	on <u>September 24, 2015</u>)
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Maria H. Medina ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey and has been a licensee at all times relevant hereto. (Exhibit A).

2. By Final Order of Discipline filed on March 12, 2013, Respondent was ordered to undergo a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program - the Recovery and Monitoring Program (RAMP) -- and to follow any treatment or monitoring recommendations. (Exhibit B).

3. Respondent underwent the evaluation and based upon RAMP's recommendation, signed a contract with RAMP in August 2013 to continue with full monitoring, which contract remains in effect to date. (Exhibit C).

4. On August 14, 2013, Respondent requested that the Board place her license on inactive status until RAMP supported her return to practice. (Exhibit D).

5. Respondent's license status was changed from inactive to active on July 14, 2014, although RAMP did not support her return to practice. (Exhibits B and C).

6. On January 26, 2015, Respondent requested an interruption in monitoring until March 1, 2015 to allow her to travel to Peru to care for a sick family member. RAMP granted Respondent's request. Respondent called RAMP on February 27,

2015 and requested an extension of the monitoring interruption through April 1, 2015, which RAMP granted. Respondent failed to contact RAMP after February 27, 2015 and failed to resume monitoring after April 1, 2015. RAMP unsuccessfully attempted to contact Respondent via online messaging, two telephone numbers, and by mail. (Exhibit C).

CONCLUSIONS OF LAW

Respondent's failure to comply with a Board order and failure to follow RAMP's recommendation for continued monitoring is deemed professional misconduct pursuant to N.J.A.C. 13:45C-1.4, which subjects Respondent to discipline pursuant to N.J.S.A. 45:1-21(e). Additionally, Respondent's activation of her license when RAMP did not support her return to practice is a violation of the document she signed on August 14, 2013. The Board finds that Respondent has engaged in the use or employment of false promise or false pretense within the intendment of N.J.S.A. 45:1-21(b).

ACCORDINGLY, IT IS on this 16th day of July, 2015, ORDERED that upon the filing of a FINAL ORDER OF DISCIPLINE in this matter:

1. Respondent's license to practice nursing is suspended until she demonstrates that she is fit and competent, resumes

participation with RAMP, and gains RAMP's supports for reinstatement of her nursing license.

2. Respondent expressly waives any claim to privilege or confidentiality that she may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any disciplinary or licensing proceeding.

3. All costs associated with the evaluation and/or monitoring outlined above shall be the responsibility of, and paid directly by, Respondent.

4. Upon finalization of this Order, Respondent shall refrain from practicing as a nurse and shall not represent herself as a Licensed Practical Nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

5. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to State Board of Nursing, Attention: Leslie Burgos, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

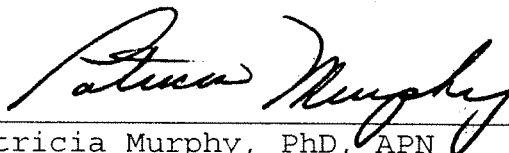
6. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

7. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

8. In the event that the Board receives no written submission from Respondent within 30 days following filing of this Provisional Order of Discipline, without further Board review, the Provisional Order of Discipline shall automatically become the Final Order of Discipline. The box for Final Order of Discipline shall be checked, the Final Order of Discipline shall be filed, and copies shall be mailed to Respondent. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD, APN
Board President